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UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY

MERRILL LYNCH BUSINESS FINANCIAL SERVICES INC.,

Plaintiff,

٧.

ARTHUR KUPPERMAN, E. ROSS BROWNE, PAULETTE KRELMAN, PGB INTERNATIONAL, LLC, and JPMORGAN CHASE BANK, N.A.,

Defendants,

and

IFIG USA, INC., JOHN DOES (1-10) and ABC CORPORATIONS (1-10),

Additionally Defendants on the Crossclaim.

CIVIL ACTION

Civil Action No. 06-4802 (DMC)

ORDER VACATING,
DISCHARGING AND RELEASING
ANY AND ALL (I) WRITS OF
ATTACHMENT AS TO THE
PROPERTY OF DEFENDANT E.
ROSS BROWNE, AND (II)
RESTRAINTS AND INJUNCTIONS
AGAINST DEFENDANT E. ROSS
BROWNE CONTAINED IN THE
ORDER TO SHOW CAUSE ISSUED
BY THIS COURT ON OCTOBER 6,
2006

THIS MATTER, having been opened to the Court upon the joint application of Plaintiff Merrill Lynch Commercial Finance Corp. ("MLCFC"), as assignee of the interest of Merrill Lynch Business Financial Services Inc., Defendant JPMorgan Chase Bank, N.A. ("Chase"), and Defendant E. Ross Browne ("Browne") to vacate, release and discharge (i) any and all the Writs of Attachment, including (without limitation) those dated October 6, 2006 and October 16, 2006, issued by this Court as to the property of Browne (the "Writs"), and (ii) any and all restraints and

Page 2

Civil Action No.: 06-4802 (DMC)

Caption: MERRILL LYNCH BUSINESS FINANCIAL SERVICES INC. v. ARTHUR

KUPPERMAN, ET AL.

Title: ORDER VACATING, DISCHARGING AND RELEASING ANY AND ALL (I) WRITS OF ATTACHMENT AS TO THE PROPERTY OF DEFENDANT E. ROSS BROWNE, AND (II) RESTRAINTS AND INJUNCTIONS AGAINST DEFENDANT E. ROSS BROWNE CONTAINED IN THE ORDER TO SHOW CAUSE ISSUED BY THIS COURT ON OCTOBER 6, 2006

injunctions against Browne contained in the Order to Show Cause issued by this Court on October 6, 2006 (the "OTSC"); and MLCFC, Chase and Browne having resolved the issues between and among them and having entered into a Stipulation of Settlement and Mutual Release (the "Stipulation"); and the Stipulation providing that upon Browne's payment of a certain Settlement Amount into escrow that the Writs and the restraints and injunctions against Browne contained in the OTSC and otherwise entered in this action shall be vacated, released and discharged; and Browne having paid the Settlement Amount into escrow as required by the Stipulation; and for good cause shown,

IT IS ORDERED, ADJUDGED and DECREED on this 15 day of December, 2008 as follows:

- 1. Any and all of the Writs of Attachment issued by this Court on October 6, 2006, October 16, 2006, or at any other time in this action with respect to any and all of the property of E. Ross Browne (the "Writs") are hereby permanently and completely vacated, released and discharged. Any and all property of E. Ross Browne may be transferred, conveyed, assigned or otherwise disposed of based solely on Mr. Browne's direction, without regard to any such Writs and as if such Writs had never been issued.
- 2. Any and all of the restraints and injunctions issued against E. Ross Browne and his property in this action, including (without limitation) the restraints and injunctions contained

Page 3

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in the Order to Show Cause issued by this Court on October 6, 2006 (collectively, the "Restraints") are hereby permanently and completely vacated, released and discharged. Any and all property of E. Ross Browne may be transferred, conveyed, assigned or otherwise disposed of based solely on Mr. Browne's direction, without regard to any such Restraints and as if the Restraints had never been issued.

3. Any and all third parties are entitled to rely upon this Order as conclusive evidence of the complete and permanent vacation, release and discharge of the Writs and Restraints, and full and proper authorization to transfer, convey, assign and otherwise dispose of any or all of the property of E. Ross Browne based sole on his direction.

Dennis M. Cavanaugh **U.S. District Judge**